

Remarks

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I. Affirmation of Restriction Election

The Applicants affirm the provisional election of Group I, claims 1-21. Claims 22-26 are withdrawn from further consideration. Applicants reserve the right to pursue claims 22-26 in a divisional application.

II. Response to Rejections under 35 USC§ 102

At page 3, item 5 of the Office Action, claims 1-21 are rejected under 35 USC§102(b) as being anticipated by Weiss et al. (US patent number 5,900,877, hereinafter referred to as "Weiss"). The Applicants respectfully traverse this rejection since Weiss does not disclose all of the limitations of the Applicants' independent claims.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Brothers v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the claim. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

In particular, Weiss does not disclose an active graphical control in which "the at least one pixel configured to change to at least a second color when the contrast between the first color and the at least one color in the background is below a predetermined level", as recited in independent claim 1.

Nor does Weiss disclose a graphical element in which "the first graphical element configured to change the at least one background color to a different background color when the contrast between the first color and the at least one background color is below a predetermined level", as recited in independent claim 7 and 9. (Claim language may vary slightly.)

Nor does Weiss disclose a method for displaying an active graphical control that includes "changing the at least one color in the graphical control to at least a second color when the contrast between the first color and the at least one background color is below a predetermined level", as recited in independent claims 11 and 16. (Claim language may vary slightly.)

Nor does Weiss disclose a method for displaying an active graphical control that includes "determining at least one contrast level between the background and the graphical control", as recited in independent claim 15.

Nor does Weiss disclose a program configured to display an active graphical control that includes "the first graphical element configured to change to at least a second color when the contrast between the first color and the at least one background color is below a predetermined level", as recited in independent claim 18, 20, and 21. (Claim language may vary slightly).

(Italics type has been added to the above claim language by the Applicant.)

In Weiss, a method and apparatus for multilevel software controls is disclosed. In the Abstract of Weiss, user interface controls are described as being comprised of several graphic control layers, each having a transparent region and an opaque region. User input actions over a transparent regions are effective to "tunnel" the user input action to the next graphic control layer until the user input action is determined to occur over an opaque region of a subsequent graphic control layer. In a preferred embodiment of Weiss, the invention includes "back out" behavior in which a selection action over an opaque region followed by a motion into a transparent region is effective to cause the appearance of the graphic control layer to change from an activated appearance to a deactivated appearance without tunneling the input action to the next graphic control later.

In Weiss, the "colors" (as the term is used in Weiss, such as in column 9, lines 25-34) are used to identify "opaque and transparent regions" (Figure 4, steps 406 and 408). However, at no point within Weiss is there any discussion of changing a color of a graphical element as a function of the "contrast" between the first color and a background color when the contrast is below a predetermined level, as recited in all of the Applicant's independent claims. In fact, after thoroughly searching Weiss, the Applicant cannot find any occurrence of the word "contrast" as the term is used

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to describe the relative difference between a first color and a second color, as required by of the Applicant's claims. This ability to change the color of the graphical control to a second color when the contrast between the color of the graphical control and the background is below a predetermined level (as is provided by the Applicants' claimed invention) allows the user to easily view the graphical control against any background color.

Accordingly, as the cited reference does not include all of the limitations of the Applicants claims, the Applicants respectfully request that the Examiner withdraw the rejections to the claims pass this application onto allowance.

III. Additional Fees

It is not believed that additional fees are due at this time; however, if any additional fee is required in connection with the filing of this Amendment, please charge the fee to Deposit Account No. 08-2025.

Respectfully submitted,
Robert Cazier et al

By: Jeff D. Limon/
Jeff D. Limon
Agent for the Applicants
Registration Number 45,418

Hewlett-Packard Company
Legal Department
1000 NE Circle Blvd.
Corvallis, OR 97330
Telephone: (541) 715-5979
Fax: (541) 715-8581